

Title	Redundancy
Associated Policies	<ul style="list-style-type: none"> • Pay Policy (TPO/STA/08) • Pensions (TPO/STA/09)

REVIEWED: SEPTEMBER 2016

NEXT REVIEW: SEPTEMBER 2019

1. Policy Statement

- 1.1 The Trust values all its employees and the contribution they make to our schools.
- 1.2 The Trust as the employer has a responsibility to ensure that its employees are treated in a fair and consistent manner.
- 1.3 This Policy does not form part of any employee's contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the Trust.

2. Who does this policy apply to?

- 2.1 This policy applies to all staff.

3. Who is responsible for carrying out this policy?

- 3.1 The Principal is responsible for the management of the Academy and therefore has a key role to play throughout the redundancy process.
- 3.2 The Principal will normally delegate this responsibility to the most senior nominated person.
- 3.3 The Senior Nominated Person will assist:
 - With the provision of information to the unions and professional associations
 - With consultation with staff and union representatives
 - In making recommendations relating to selection criteria to be used in the event of compulsory redundancy
 - By presenting the management's case to a hearing before the Principal
 - By accompanying the Principal to any appeal hearing
- 3.4 The Principal has the delegated responsibility to dismiss.
- 3.5 There will be the opportunity to appeal to the Executive Principal.

4. The legal background of this policy

- 4.1 Redundancy is a dismissal caused by the employer requiring fewer people to do a particular kind of work at the place they are employed.
- 4.2 The Trust will endeavour to mitigate the need to make compulsory redundancies and will consider all reasonable alternatives, prior to that being necessary.
- 4.3 There are three areas of the law to consider:
 - The need to treat each individual employee fairly - this means making sure all redundancies are bona fide and handled sensitively. This will ensure compliance with the right not to be unfairly dismissed.
 - The need to consult the Academy's recognised trade unions/ professional associations about the proposals - this is aimed at trying to avoid redundancies in the first place.
 - The powers that public bodies have to pay redundancy compensation - this ensures that they only pay out money when legally correct to do so. It is aimed at public probity, but reinforces

good employment practice by encouraging public bodies to minimise redundancy or to redeploy staff wherever possible.

5. Definition of redundancy

5.1 A redundancy may arise when:

- An employer has ceased or intends to cease
 - To carry on the business for the purposes of which the employee was employed or
 - To carry on that business in the place where the employee was so employed
- The requirements of that business
 - For employees to carry out work of a particular kind or
 - For employees to carry out work of a particular kind in the place where the employee was employed, have ceased or diminished or are expected to cease or diminish

6. Redundancy situations

6.1 Situations which may result in the need for redundancies could include:

- Academy Closure or amalgamation
- Falling rolls
- Amalgamation or closure of facilities or departments
- Budgetary problems
- A change in the demand from certain subject areas or job requirements
- Reorganisation of management or departmental structures

7. Redundancy procedure

7.1 Investigation

Investigate all possible methods of avoiding compulsory redundancy. Normally the Academy will receive its indicative budget during the Spring Term. If the budget indicates a deficit, the Principal, Finance Director and Executive Principal will explore all possible methods of making savings other than compulsory redundancy, e.g.

- Not filling vacancies (natural wastage)
- Job sharing
- Reductions in hours
- Seeking volunteers for redundancy as part of the consultation. (Any employee who seeks information on the benefits available as a result of volunteering to be selected for redundancy will be entitled to do so without prejudice to his/her position).

If there are concerns about the staffing costs, then the Principal, Finance Director and Executive Principal will decide whether to plan for potential redundancies.

7.2 Consultation

- The Academy will consult with the recognised trade unions with a view to reaching agreement and will consult with employees affected by the proposals whether or not they are in a recognised trade union as early as possible. The Academy will consider and respond to any representations made. If there is a rejection of any representations, the reasons will be given in writing.
- The consultation document will include:

- The reasons for the proposals
 - The numbers and descriptions of employees proposed to be dismissed as redundant
 - The total number of employees of that description employed at the Academy
 - The proposed method of selecting the employees who may be dismissed
 - The proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect
 - The proposed method of calculating the amount of any redundancy payments to be made
 - The Academy will provide suitable support for staff during the process and provided with key guidance relating to redundancy
- Consultation should take place between the Senior Nominated Person and if required the Principal and the recognised trade unions and professional associations. The consultation period should commence from the date of the formal notification to the professional associations/unions and should normally provide a minimum of 10 working days for consultation. This period may be extended by mutual agreement.
 - Consultation should cover:
 - Avoiding dismissals
 - Reducing the number of employees to be dismissed
 - Mitigating the consequences of any dismissals including consideration of applications for voluntary redundancy
 - It is important that the consultation process is carried out thoroughly and that all the following action is taken. The above information is required to be given in writing to all representatives of the relevant union in the Academy who may forward it to area representatives.
 - All teaching and support staff as appropriate should be invited to attend a meeting to hear the proposals and consider the following:
 - The reasons for having to consider redundancies
 - An invitation for voluntary redundancy, making it clear that there is no automatic right to premature retirement or voluntary redundancy (see below, 'volunteers for redundancy')
 - The date by which applications should be received
 - The procedures to be followed, including the right to make representation at the dismissal hearing and right to appeal
 - During the process of seeking applications for voluntary redundancy, the Governing Body should ensure that: staff are made aware that there is no automatic entitlement to redundancy/early retirement benefits. Whilst every effort would be made to accept volunteers to avoid compulsory redundancy, the needs of the Academy to meet the objectives of the Academy Development Plan should be given priority;
 - The unions are given the opportunity to comment on the process of seeking volunteers
 - The timescale for receiving applications takes into account time required for potential volunteers to seek advice and information on their redundancy/ early retirement benefits

- Consideration is given to providing sufficient time for applications to be submitted during the consultation process versus the impact on staff morale if protracted
- The Principal will draw up proposed criteria with guidance from the Senior Nominated Person. The criteria should not be finalised until after the closing date for receiving volunteers as this could affect the decision on the criteria. In any event the criteria will not be finalised until after the consultation period has been concluded. Trade unions will be consulted upon regarding selection criteria with a view to reaching agreement
- Wherever possible the selection criteria will be agreed with unions
- The criteria must be objective and fair. Objective selection based on skills, qualifications and experience aims to retain the staff necessary to deliver the curriculum and the Academy Development Plan
- Where there are more posts within the pool of staff than the number of required redundancies, the selection criteria will be applied to determine which posts should be redundant. Selection criteria must be determined objectively
- The recommended method of selection is to match the skills profile of each member of staff against the needs arising from the Academy Development Plan

7.3 Application of criteria

- The Principal will need to match the skills profile of each member of staff against the needs of the Academy arising from the Academy development plan. This should be carried out by applying the criteria adopted by the Principal after considering the views of the professional associations/unions and revising if necessary. The meeting should take place as soon as possible after the consultation period has ended
- The Senior Nominated Person should be present to advise the committee. The committee may also have an HR Adviser in attendance in an advisory capacity only
- The Principal will write a letter to each member of staff who has been proposed for dismissal by reason of redundancy. The letter should state:
 - The reasons why it has been proposed to reduce or remove the post occupied by the employee
 - That the employee or his/her representative may make representations to a hearing before the Principal

7.4 Representations to the Principal

- A hearing by the Principal, allowing at least 10 working days written notice of the date of the hearing, must be convened. Employees should be given adequate information to assist them in preparing representations, particularly on the criteria used to recommend the removal of their post, resulting in their dismissal by reason of redundancy
- People in Attendance:
 - The Principal
 - A Human Resources Adviser may attend to advise the committee
 - Senior Nominated Person who is present to explain the reason for recommending the dismissal of the employee by reason of redundancy
 - The employee making the representations, who must be given the opportunity to be accompanied to the meeting by a trade union representative or work colleague

- Before final decisions are made, the employee must be given the opportunity to make written and personal representation to the hearing by the Principal. Any written representation should be sent to the Clerk of the Committee at least five working days before the date of the hearing
- All papers relating to the redundancy (unless they have already been sent) should be sent to both parties. These papers would include:
 - The original information sent to staff and union representatives explaining the need for redundancies
 - Details of the criteria used in the decision on redundancy including relevant information used for selection purposes e.g. matrix summary
 - A copy of the letter sent to the employee recommending dismissal by reason of redundancy
 - Any written representation submitted by the employee or representative
 - The agenda for the hearing
- The Principal is responsible for the conduct of the proceedings and for any variations considered appropriate. The Principal:
 - Welcomes those present and makes introductions
 - Stresses that this is a private hearing and that all information brought to the committee is strictly confidential to the people present
 - Outlines and agrees the procedure to be followed during the hearing
 - Requests all attending the hearing to remain available to the committee for approximately one hour after they withdraw in case the committee needs to clarify any point
 - Explains how they will be informed of the committee's decision
- If new evidence is brought to the hearing which all parties have not had time to consider, or for some other good reason, the Principal may decide to adjourn the meeting for a specified time or to another date. If there is an adjournment, the reconvened hearing must comprise the same membership
- Where there is more than one employee nominated for redundancy, the Principal must consider all the proposed redundancies. Each redundancy should be considered separately, unless they are represented by the same union representative and elect to have their cases heard together rather than separately. Each employee should still be given the right to make individual representations, even if in the presence of others
- At the end of the hearing the Principal will make a decision and notify the employee of the decision either by recalling the employee and their representative and/or writing to the employee. Written notification will include details of any right of appeal

7.5 Appeal Hearing

- If the employee wishes to appeal against the decision of the Principal, such an appeal must be received in writing by the Principal within ten working days of the date of the notification of the committee's decision
- The appeal will normally be heard by the Executive Principal
- The appeal should be heard within ten Academy days of the date of the letter of request for the appeal
- The Appeal Hearing considers all papers relating to the redundancy. These papers should include:

- Information sent to staff and unions explaining the need for redundancies
- The criteria used in the decision on redundancy.
- The letter sent to the employee notifying they have been nominated for redundancy.
- Any written representation submitted by the employee or their representative.
- The Principal's written reasons for dismissal by reason of redundancy.
- The Executive Principal must read the documentation carefully before the meeting
- The Principal will normally present the case for the dismissal by reason of redundancy and be accompanied by Senior Nominated Person. The Senior Nominated Person may in some instances present the case on behalf of the Principal
- The possible outcomes of an appeal are:
 - Appeal rejected and no change to the decision to dismiss on the grounds of redundancy.
 - Appeal successful, in which case the Principal may have to return to stage 1 of the procedures
- The parties concerned are notified by being recalled to hear the decision of the Executive Principal and /or by letter

8. Notice of dismissal

- 8.1** After the selection process and representation hearings to the Principal have been completed, but before any appeal hearing takes place, notice will be served to the employee by the Academy in accordance with contractual notice or statutory notice, whichever is the greater. Statutory notice is one week for each year of service up to a maximum of 12 weeks. Contractual notice is stated in the contract of employment. Should an appeal against dismissal be successful, the dismissal notice would be withdrawn.
- 8.2** The redundant employees (voluntary or compulsory) should be made aware that should the staffing situation change e.g. a suitable resignation received from within the Academy, or redeployment be successful to another Academy, then the redundancy notice will be withdrawn.

9. Entitlements of redundant employees

- 9.1** Where applications for voluntary redundancy have been accepted by the Principal; or where redeployment has been unsuccessful, redundant employees will be entitled where applicable to the following:
- Written notice of termination of employment in line with their conditions of service or by mutual agreement
 - Statutory redundancy payment calculated in accordance with the Employment Rights Act 1996, but based on actual gross pay rather than subject to the statutory maximum wage
 - Entitlement to a redundancy payment depends on having at least two years' continuous service with organisations listed in the Redundancy Payments (Continuity of Employment in Local government, etc.) (Modification Order) and be under 65 years of age by the termination date. Further clarification on continuity of service may be obtained from the Academy's HR provider
 - Premature retirement benefits for employees in the Teachers' Pension Scheme with at least 2 years' service, subject to arrangements under The Teachers' Pensions (Miscellaneous Amendments) Regulations 2006

- The minimum pension age (MPA) at which premature retirement benefits may be awarded has been increased to 55 for people first entering pensionable employment on or after 6 April 2006
- MPA of 50 will continue to apply until 2010 to existing scheme members. Existing scheme members include those who re-join the scheme on or after 6 April 2006, provided the previous service remains to their credit (i.e. the service has not been cancelled by a repayment of contributions or by payment of a transfer value). Scheme members who enter pensionable employment for the first time on or after 6 April 2006 but had previously been in comparable British service (CBS) will maintain an MPA of 50. This is provided the previous service has not been cancelled by a repayment or a transfer value, except where the transfer value has been paid in to the TPS (England & Wales). (CBS is pensionable service under the schemes for teachers in public employment in any part of the British Islands outside England and Wales)
- Premature retirement benefits for employees in the Local Government Pension Scheme with at least 2 years' service and over age 50 years

9.2 Redundancy payments will be payable from the date of dismissal due to redundancy. All relevant documentation should be signed and returned by the redundant employee in sufficient time to process and in any event no later than 6 weeks after the effective date of dismissal.

10. Redeployment

- 10.1** The Executive Principal and Finance Director should always look for suitable alternative employment within the Trust for employees at risk of dismissal by reason of redundancy.
- 10.2** Employees who are redeployed are entitled to a trial period of 28 calendar days.
- 10.3** Employees who are under notice of redundancy will be entitled to reasonable time off with pay to look for alternative employment or to arrange training
- 10.4** If a suitable job offer is made in terms of pay, grade, job content, status etc. and the employee unreasonably refuses that offer, the employee may forfeit the right to a redundancy payment

11. Support for redundant employees/staff at risk

- 11.1** Redundancy can be a traumatic experience for employees especially for staff who have worked for many years in a stable environment. The Principal should provide as much information, advice and help as possible. Further advice and support will be available and arranged on a case by case basis.

12. Policy Review

- 12.1** This policy will be monitored as part of the Academy's annual internal review and reviewed on a three year cycle or as required by legislature changes.